Scott. II-27—104,006—4-11-49.

Development (1951) Department.

MS. SERIES.

Passed
Sept

G.O. NO. 2189

Dated 15-5-51

Published as Notfn No. 473 at page 797 of Part I of the Gazette dated 29-5-51

[Despatch Abstract.]

Labour - Disputes - Dispute between the workers and the management of the Mangalore Automobiles Ltd., Mangalo.
Reference to the Industrial Tribunal Coimbatore for adjudication - Ordered

GOVERNMENT OF MADRAS.

ABSTRACT.

LABOUR x- Disputes - Dispute between the workers and the management of the Mangalore Automobiles Ltd., Mangalore - Reference to the Industrial Tribunal, Coimbatore for adjudication - Ordered.

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DEVELOPMENT DEPARTMENT.

G.O.MS.NO.2189. Dated 15th May 1951.

Read the following:-

From the Commissioner of Labour No.A.4.66381/50 dated 5-5-51.

ORDER:

The following notification will be published in the Fort St. George Gazette:-

NOTIFICATION.

Whereas an industrial dispute has arisen between the workers and the management of the Mangalore Automobiles Ltd., Mangalore in respect of the matters mentioned in the annexure to this Order;

And Whereas in the opinion of His Excellency the Governor of Madras it is necessary to refer the said industrial dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 10(1)(c) of the Industrial Disputes Act, 1947(Central Act XIV of 1947), His Excellency the Governor of Madras hereby directs that the said industrial dispute be referred for adjudication to the Industrial Tribunal having its place of sitting at Coimbatore.

(BY ORDER OF HIS EXCELLENCY THE GOVERNOR)

J.M. LOBO PRABHU,
Secretary to Government.

To the Industrial Tribunal Coimbatore

(p.t.o.)

To the Commissioner of Labour
,, Collector of South Kanara
,, Superintendent, Government Press for publication
,, Government of India, Ministry of M Labour, New Delhi
,, Accountant-General, Madras
,, Management of Messrs. Mangalore Automobiles Ltd., Hampanhatta, Mangalore
,, Secretary, Kanara Motor Workers' Union, Felix Pai Bazaar, Mangalore
Copy to Reporters' Board.

Forwarded/By order

Superintendent.

Annexure.

Whether the termination of the services of Sri B.Somayya Shetty, fitter, was justified and what relief is he entitled to".

True copy.

...

krs/15.5.

Superintendent.

KANARA MOTOR WORKERS' UNION,
MANGALORE.

(REGISTERED UNDER INDIAN TRADE UNIONS ACT 1926)

Felix Pai Lazzar,
POMPEI BUILDING,
MAIDAN CROSS ROAD,
MANGALORE, (S. KANARA)

REGD. NO. 1112

ASSISTANT SECRETARY TO GOVERNMENT 18 JAN 1951 DEPARTMENT OF LABOUR

Ref. No. 7/Dd/1951

Date 18 - 1 - 1951.

10064

To

Secretary to the Government of Madras,
Department of Labour,
MADRAS.

Sir,

Whereas an industrial dispute has arisen between M/s. Mangalore Automobiles Ltd, Mangalore and their workmen represented by the Kanara Motor Workers' Union, regarding the specific matters (Demands) contained in the statement enclosed herewith, we have to request you to kindly appoint an Industrial Tribunal under section 10 of the Industrial Disputes Act, 1947(Central)(Madras Amendment) for the purpose of adjudication of the dispute. As the dispute in question is in a public utility undertaking, we hope that the Tribunal will be appointed at an early date in the interest of industrial peace.

The application has been signed by us in accordance with a resolution passed in the extraordinary general body meeting of the Union held on 14-1-1951 as required by Rule No.16(2)(b)(i) of the Industrial Disputes Act Rules 1948. A copy of the resolution is enclosed herewith.

Yours faithfully,

B. [illegible]
President

P. [illegible]
General Secretary

& 4 ...
25 ...

To issue
CM
31-1-51.

Dent Dept

Endt No. 10064 PI/51-I dated 31-1-51.

Refered to the C. of L
for remarks.

31/1/51

CM
30-1-51

30.1.51

To the C. of L
~ Comm. I.
Review

KANARA MOTOR WORKERS' UNION, MANGALORE. Regd.No.1112.

BS

STATEMENT IN ACCORDANCE WITH TULE NO.16 OF THE MADRAS INDUSTRIAL DISPUTES RULES 1948.

The parties to the dispute:- The parties to the dispute are M/s. Mangalore Automobiles Ltd.,Hampankatta, Mangalore, Employers; and their workmen represented by the Kanara Motor Workers' Union, Felix Pai Bazaar, Mangalore.

Nature and cause of the dispute:- A workman named B. Somayya Shetty was dismissed by the management on 14-10-1950. His dismissal was done because he was the leading member of the Union and was responsible for making the report to the Factory Inspector regarding certain irregularities in his workshop. Till lately his workshop was not observing any rules of the Factory Act and only after the report was made by him to the Union and the Factory Inspector, the employers were compelled to run the Factory strictly in accordance with the Factory Act. In anger, therefore, the management dismissed the worker. Until now he has not been reinstated. The demand of the Union is therefore:-

1. The worker Mr. B. Somayya Shetty, dismissed by the Company without any valid justification be immediately reinstated in service and he be paid his full wages and allowances for the period of his forced unemployment caused as a result of his unjust and illegal dismissal.

An estimate of the number of persons likely to be affected by the dispute:- Nearly 40 workers employed by the Company will be affected by the dispute.

Efforts made by the Union to settle the Dispute:- Regarding this matter the Union wrote to the Company on 17-10-1950. The Company refused to reply to the letter and reminders were sent which also remained unreplied. The matter was then referred to the Labour Officer and the Commissioner of Labour whose efforts have also failed till now due to the unhelpful attitude adopted by the employers.

President

P. Shetty.

General Secretary

Copy of the resolution passed in the extraordinary general body meeting of the Kanara Motor Workers' Union held on 14-1-1951.

" This extraordinary general body meeting of the Kanara Motor Workers' Union authorises M/s. B. Yogishwara Holla and P. D'Mello, President and the General Secretary respectively, to sign the applications to refer the disputes between the Union and various managements to Industrial Tribunals as required under the Industrial Disputes Act Rules 1948."

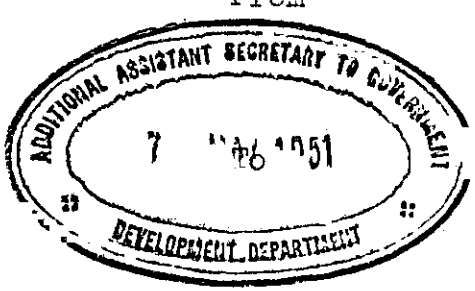
P. D'Mello
General Secretary

9-X

A.4.66331/50

Office of the
Commissioner of Labour, Chepauk,
Madras, Dated: 5-3-51.

From



Sri C.C.Reddi
Commissioner of Labour,
Madras.7.

50038 PL

The Secretary to Government,
Development Department,
Fort St.George,
MADRAS.

Sir,

Sub: Labour disputes--Dispute between the workers and the management of the Mangalore Automobiles Ltd., Mangalore--Dismissal of worker D.Somayya Chetty.

Ref: Government Endt. No.1 054 / I/51-1 dated 31-1-1951

The Kanara Motor Workers Union, Mangalore stated that on 7-12-50 it complained to the Inspector of Factories, Mangalore that the Mangalore Automobiles Ltd., did not follow the provisions of the Factories Act, that as a result of the complaint the Inspector of Factories made an investigation, that at that time the manager of the company wanted all the workers to give an undertaking that they had

.....2

8/10

no grievance regarding non-compliance with the provisions of the Act and that they had not joined the Union, that Sri B.Somayya, fitter in the [redacted], refused to give the undertaking, that he was refused [redacted] from 14-10-1950, that on 16-11-1950 a notice of termination of service was served on him alleging that his work was unsatisfactory in spite of repeated warnings and that he would be given one month's salary. The worker has put in four years service in the undertaking. The Labour Officer advised the management to re-instate him as no specific charge was framed against him and no proper enquiry was held giving him an opportunity to vindicate himself. The management refused to do so. He called the parties for an enquiry and on both occasions the management did not appear before him. This appears to be a case of victimization. The management should not be allowed to indulge in such infair labour practices. I therefore recommend that the following issue in the dispute between the workers and the management of the Mangalore Automobiles Ltd., Mangalore may be referred to the Industrial Tribunal, Coimbatore for adjudication; Whether the termination of the services of Sri B.Somayya Shetty, fitter, was justified and what relief is he entitled to. The union represents the majority of the workers in the undertakings.

GA.5/5

FOR COMMISSIONER OF LABOUR

5.5.51

To issue Rotaprint copies 14.5.51

25/15

Devt Dept
11

Subj:- Labour - Disputes - Dispute between the workers and the management of the Mangalore Automobiles Ltd., Mangalore Reference to the Industrial Tribunal, Coimbatore for adjudication - Ordered.

Ref:- From the C. of L. No. A.4. 66381/50 dated 5-5-51

G.O.Ms. 2189 dated 15-5-51.

The following notification will be published in the Fort St George Gazette:-

Notification

Whereas an industrial dispute has arisen between the workers and the management of the Mangalore Automobiles Ltd, Mangalore in respect the matters mentioned in the annexure to this Order;

And whereas in the opinion of His Excellency the governor of Madras it is necessary to refer the said industrial dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 10(1)(c) of the Industrial Disputes Act, 1947 (central Act XIV of 1947), His Excellency the governor of Madras hereby directs that the said industrial dispute be refened for adjudication to the Industrial Tribunal having its place of sitting at Coimbatore.

SM 14.5.51.

(W.D.S)

To The Industrial Tribunal, Coimbatore.

" C. of L.

" Collector of S.K.

" S. G. P. for publication

" Govt of India, Ministry of Labour, New Delhi.

" A.G. Madras

12

To the management of
M/s Mangalore
Automobiles Ltd.,
Hampankatta,
Mangalore.

Secretary, Kanara Motor
Workers' union,
~~Ele~~ Felix Pai Bazaar
Mangalore.

Copy to Reporters Board.

Annexure

Whether the termination of the services of Sri B. Somayya Shetty, fitter, was justified and what relief is he entitled to".

4.5.51.

Devt Deptt.

C.No. 16064 Pt/51.

Subj:- Labour - Disputes - Dispute between the workers and the management of the Mangalore Automobiles Ltd., Mangalore - Dismissal of a worker - Reference for adjudication.

Ref:- From the Kanara Motor Workers' union dated 18-1-51.

From the C. of L. No. A.4-66381/50 dated 5-5-51.

To A.S

... The C. of L. states that the Kanara Motor Workers' union, Mangalore complained to the Inspector of Factories on 7-10-50 that the Mangalore Automobiles Ltd., Mangalore did not follow the provisions of the Factories Act, that the Inspector of Factories made an investigation, that at that time the manager of the company wanted all the workers to give an undertaking that they had no grievance regarding non-compliance with the provisions of the Act and that they had not joined the union, that Sri B. Somayya, fitter in the workshop refused to give the undertaking, that on 16-11-50 he was given notice of discharge with one month's pay, alleging that his work was unsatisfactory ~~in spite of~~ The worker has put in four years service in the company. The Labour Officer advised the management to reinstate the worker as no specific charge was framed against him and as no proper enquiry was held. The management refused to do so ~~even~~ They were not present even at the conciliation talks held by the Labour Officer. The C. of L. therefore considers that this is

C.N. [illegible] 23/1/51

a case of victimization

The Kanara Motor Workers' union requests that the dispute may be referred for adjudication The union represents the majority of the workers in the Mangalore Automobiles Ltd., Mangalore. The C.of L. recommends that the following issue in the dispute between the workers and the management of the Mangalore Automobiles Ltd., Mangalore may ~~also~~ be referred for adjudication to the Industrial Tribunal, Coimbatore.

"Whether the termination of the services of Sri B. Somayya Shetty, fitter, was justified and what relief is he entitled to".

Submitted for orders whether the C.L's recommendation may be accepted.

GM 9.5.51.

9.5.51. 10/5/51 S. may refer to adjudication. Though the point at issue is a small one, which unfortunately the management refuse to consider

10/5

11/5/51

Addl (L.R.)

SECRETARY TO GOVERNMENT 12 MAY 1951 DEVELOPMENT DEPARTMENT

To AS

A draft order is submitted for approval.

(illegible) 14/5/51

GM 14.5.51.

WSS